

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: **ABEYANCE** - EOT-15239 - APPLICANT/OWNER: CASH AMERICA, INC. OF NEVADA

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 20, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on August 4, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-4506), (SUP-4507) and (SUP-4509) as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for an Extension of Time of an approved Special Use Permit (SUP-4509) that allowed Second Hand Sales adjacent to the northwest corner of Durango Drive and Dorrell Lane approximately 600 feet north of Dorrell Lane.

EXECUTIVE SUMMARY

This is the first Extension of Time application for the subject site. The applicant indicates that the extension is needed due to delays in the design and permitting process. Building plans are currently under review at the City, but no building permits have been issued. Therefore, staff is recommending approval of the extension due to the indicated reasons.

BACKGROUND INFORMATION

A) Related Actions

- 01/17/01 The City Council approved an Annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the subject site. The effective date of this annexation was January 26, 2001. The Planning Commission and staff recommended approval on 03/25/99.
- 12/30/03 The Director of the Planning and Development Department authorized a “Non-Material Modification” to the Montecito Town Center Development Agreement, pursuant to Section 4.6 of the Agreement, to add “Pawn Shop” to the list of Permissible Uses in Section 2.3 of the Agreement, subject to the approval of a Special Use Permit.
- 04/07/04 The City Council approved a Major Modification (MOD-3763) to the Montecito Town Center Development Agreement to add five acres of land at the northwest corner of Durango Drive and Dorrell Lane, to the area designated pursuant to the Development Agreement as “Montecito Town Center Mixed Use Commercial”; a Rezoning (ZON-3840) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center); a Site Development Plan Review (SDR-3764) for a 587,750 square-foot mixed-use commercial development, including the subject site; and numerous Special Use Permits on the overall site, including specifically SUP-3783, SUP-3785, SUP-3786, SUP-3788, and SUP-3789 for Liquor Sales, Incidental Gaming, and Drive-Through Facilities on the subject site. The Planning Commission and staff recommended approval on 03/11/04.

- 08/04/04 The City Council approved a Special Use Permit (SUP-4506) for a Pawn Shop. Also, a Special Use Permit (SUP-4507) that allowed a Financial Institution, Specified. Finally, a Special Use Permit (SUP-4509) that allowed Second Hand Sales at 6890 North Durango Drive at 6890 North Durango Drive. The Planning Commission recommended approval on 08/04/04. Staff recommended approval of (SUP-4507) and (SUP-4509), but recommended denial of (SUP-4506).
- 09/06/06 The City Council will consider a related Extension of Time (EOT-15236) of an approved Special Use Permit (SUP-4506) that allowed a Pawn Shop and Extension of Time (EOT-15238) of an approved Special Use Permit (SUP-4507) that allowed Financial Institution, Specified at 6890 North Durango Drive.

B) Pre-Application Meeting

A pre-application meeting is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

D) Building Permit History

Building plans were submitted in June of 2006. The applicant is working with staff to receive a building permit. No inspections will occur until a building permit is issued.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.0

B) Existing Land Use

Subject Property:	Undeveloped
North:	Retail
South:	Multi-Family Dwellings (Condos) and Retail
East:	Undeveloped
West:	Single Family Dwellings

C) Planned Land Use

Subject Property:	UC-TC (Urban Center Mixed Use – Town Center)
North:	UC-TC (Urban Center Mixed Use – Town Center)
South:	UC-TC (Urban Center Mixed Use – Town Center)
East:	UC-TC (Urban Center Mixed Use – Town Center)
West:	UC-TC (Urban Center Mixed Use – Town Center)

D) Existing Zoning

Subject Property:	T-C (Town Center)
North:	T-C (Town Center)
South:	T-C (Town Center)
East:	T-C (Town Center)
West:	T-C (Town Center)

A) General Analysis and Discussion

This is the first Extension of Time for Special Use Permit (SUP-4509), which approved Second Hand Sales. The City Council will also consider two related Extensions of Time for a Financial Institution, Specified and Pawn Shop at the same location. The Special Use Permits were approved by the City Council on 08/04/04. The applicant indicates that the extensions are needed due to delays in the permitting process. Staff has confirmed that plans have been submitted, but no building permits have been issued. The applicant has complied with the previous conditions of approval and staff is recommending approval.

B) Conditions of Approval from Special Use Permit (SUP-4509)

Planning and Development

1. Approval of an administrative Site Development Plan Review by Planning and Development Department staff for the pad site prior to the issuance of a building permit.
2. The hours of operation shall not extend beyond the hours of 9:00 a.m. to 7:00 p.m.
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The Secondhand Sales use will be compatible with other uses planned and approved for Montecito Marketplace and with other commercial development to the north.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is level and contains no physical impediments to development. It is physically suitable for the type and intensity of land use as proposed by this Secondhand Sales use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Durango Drive, on the eastern boundary of this five-acre portion of the overall Montecito Marketplace site, will be developed as a Town Center Parkway Arterial (120 feet). Dorrell Lane, to the south of the site, is shown as an 80-foot Town Center Collector. These streets will have adequate capacity to serve the proposed development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Secondhand Sales use, if approved, will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

NOTICES MAILED

N/A

APPROVALS

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PROTESTS

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